



Department of Planning, Building and Code Enforcement

STEPHEN M. HAASE, AICP, DIRECTOR

**PUBLIC NOTICE
INTENT TO ADOPT A MITIGATED NEGATIVE DECLARATION
CITY OF SAN JOSÉ, CALIFORNIA**

Project File Number, Description, and Location

PDC03-098. Planned Development Rezoning from LI Light Industrial Zoning District to A(PD) Planned Development Zoning District and subsequent permits to allow up to 105 single-family detached residential units and a new public street 44 to 49 feet in width on a 13.06 gross acre site located in the UPRR right-of-way, on the south side of E. William Street approximately 400 feet west of McLaughlin Avenue (Union Pacific Railroad, Owner; KB Home South Bay, Inc., Developer). Council District: 3

California State Law requires the City of San José to conduct environmental review for all pending projects that require a public hearing. Environmental review examines the nature and extent of any potentially significant adverse effects on the environment that could occur if a project is approved and implemented. The Director of Planning, Building & Code Enforcement would require the preparation of an Environmental Impact Report if the review concluded that the proposed project could have a significant unavoidable effect on the environment. The California Environmental Quality Act (CEQA) requires this notice to disclose whether any listed toxic sites are present. The project location **does not** contain a listed toxic site. Hazards and hazardous materials are addressed in this document.

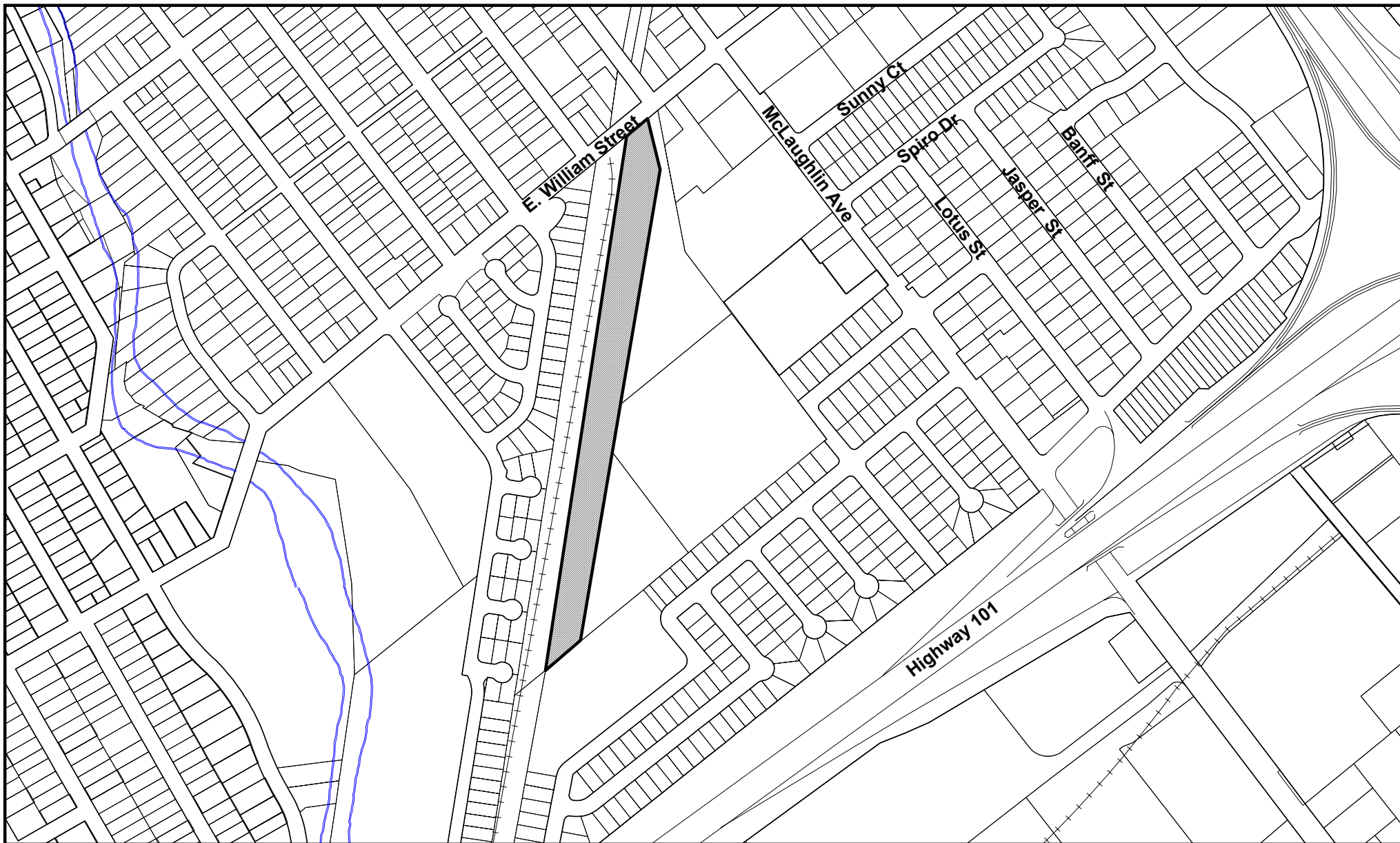
Based on an initial study, the Director has concluded that the project described above will not have a significant effect on the environment. We have sent this notice to all owners and occupants of property within 1,000 feet of the proposed project to inform them of the Director's intent to adopt a Mitigated Negative Declaration for the proposed project on November 8, 2004, and to provide an opportunity for public comments on the draft Mitigated Negative Declaration. The public review period for this draft Mitigated Negative Declaration begins on **October 7, 2004** and ends on **November 5, 2004**.

A public hearing on the project described above is tentatively scheduled for **November 10, 2004 at 6:00 p.m.** in the City of San Jose Council Chambers, 801 N. First Street, San Jose, CA 95110. The draft Mitigated Negative Declaration, initial study, and reference documents are available for review under the above file number from 9:00 a.m. to 5:00 p.m. Monday through Friday at the City of San Jose Department of Planning, Building & Code Enforcement, City Hall, 801 N. First Street, Room 400, San Jose, CA 95110. The documents are also available at the Dr. Martin Luther King, Jr. Main Library, 150 E. San Fernando St, San José, CA 95112, and the East San Jose Carnegie Branch Library, 1102 E. Santa Clara Street, San José, CA 95110 San Jose, and online at <http://www.ci.san-jose.ca.us/planning/sjplan/eir/mnd2004.htm> Adoption of a Negative Declaration does not constitute approval of the proposed project. The decision to approve or deny the project described above will be made separately as required by City Ordinance. For additional information, please call **Ron Eddow, Senior Planner** at (408) 277-8558.

Stephen M. Haase, AICP
Director, Planning, Building and Code Enforcement

Circulated on: October 6, 2004

Deputy



Scale: 1"=600'
Date: 11/19/2003



File No: PDC03-098

District: 3

Quad No: 83

DRAFT
MITIGATED NEGATIVE DECLARATION

The Director of Planning, Building and Code Enforcement has reviewed the proposed project described below to determine whether it could have a significant effect on the environment as a result of project completion. "Significant effect on the environment" means a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project including land, air, water, minerals, flora, fauna, ambient noise, and objects of historic or aesthetic significance.

NAME OF PROJECT: East William Street Residential Development

PROJECT FILE NUMBER: PDC03-098

PROJECT DESCRIPTION: Planned Development Rezoning from LI Light Industrial Zoning District to A(PD) Planned Development Zoning District and subsequent permits to allow up to 105 single-family detached residential units and a new public street 44 to 49 feet in width on a 13.06 gross acre site.

PROJECT LOCATION & ASSESSORS PARCEL NO.: UPRR right-of-way on the south side of E. William Street approximately 400 feet west of McLaughlin Avenue; APN 472-01-040 and -041

COUNCIL DISTRICT: 3

NAME OF APPLICANT: KB Home South Bay, Inc.

MAILING ADDRESS AND PHONE NO. OF APPLICANT CONTACT PERSON:

Steve Bull, Manager Forward Planning, KB Home South Bay, Inc., 6700 Koll Center Parkway, Suite 200, Pleasanton, CA 94566, 925-750-1743.

FINDING

The Director of Planning, Building & Code Enforcement finds the project described above will not have a significant effect on the environment in that the attached initial study identifies one or more potentially significant effects on the environment for which the project applicant, before public release of this draft Mitigated Negative Declaration, has made or agrees to make project revisions that clearly mitigate the effects to a less than significant level.

MITIGATION MEASURES INCLUDED IN THE PROJECT TO REDUCE POTENTIALLY SIGNIFICANT EFFECTS TO A LESS THAN SIGNIFICANT LEVEL

Air Quality

The developer shall implement the following construction practices during all phases of excavation and construction for the proposed project.

- Water all active construction areas at least twice daily or as often as needed to control dust emissions.
- Cover all trucks hauling soil, sand, and other loose materials and ensure that all trucks hauling such materials maintain at least two feet of freeboard.
- Pave, apply water three times daily, or apply (non-toxic) soil stabilizers on all excavation areas, unpaved access roads, parking areas and staging areas at construction sites.
- Sweep daily or as often as needed with water sweepers all paved access roads, parking areas and staging areas at construction sites to control dust.
- Sweep public streets daily, or as often as needed, with water sweepers, to keep streets free of visible soil material.
- Hydroseed or apply (non-toxic) soil stabilizers to inactive construction areas (previously graded areas inactive for ten days or more).
- Enclose, cover, water twice daily or apply non-toxic soil binders to exposed stockpiles (dirt, sand, etc.) sufficient to prevent visible airborne dust.

- Limit traffic speeds on unpaved roads to 15 mph.
- Install sandbags or other erosion control measures to prevent silt runoff to public roadways.
- Replant vegetation in disturbed areas as quickly as possible.

Hazards and Hazardous Materials

- Prior to the issuance of a Planned Development Permit, the applicant shall submit a Final Remedial Action Workplan for the subject site including (1) a soil and groundwater investigation of west side of the tracks, and (2) a Health Risk Assessment to the satisfaction of the Director of Planning, Building and Code Enforcement.

Hydrology and Water Quality

- Prior to the issuance of a grading permit, the applicant must submit a Notice of Intent to the State Water Resources Control Board and prepare a Storm Water Pollution Prevention Plan (SWPPP) for controlling storm water discharges associated with construction activity to the satisfaction of the Director of Public Works.
- Prior to the issuance of a Planned Development Permit, the applicant must provide details of specific best management practices (BMPs) including, but not limited to, bioswales, disconnected downspouts, landscaping to reduce impervious surface area, and inlets stenciled, "No dumping – Flows to Bay" to the satisfaction of the Director of Planning, Building and Code Enforcement.

Noise

- Prior to issuance of building permits, the developer shall retain a qualified acoustical consultant to check the building plans for all units will to ensure that interior noise levels can be sufficiently attenuated to 45 dBA to the satisfaction of the Director of Planning, Building and Code Enforcement.
- All units shall have forced-air ventilation systems to allow the windows to remain closed so that an interior noise level of 45dBA can be achieved.
- Construction activities shall be limited to the hours of 7:00 a.m. to 7:00 p.m. Monday through Friday for any on-site or off-site work within 500 feet of any residential unit.

PUBLIC REVIEW PERIOD

Before 5:00 p.m. on **November 5, 2004**, any person may:

- (1) Review the Draft Mitigated Negative Declaration (MND) as an informational document only; or
- (2) Submit written comments regarding the information, analysis, and mitigation measures in the Draft MND. Before the MND is adopted, Planning staff will prepare written responses to any comments, and revise the Draft MND, if necessary, to reflect any concerns raised during the public review period. All written comments will be included as part of the Final MND; or
- (3) File a formal written protest of the determination that the project would not have a significant effect on the environment. This formal protest must be filed in the Department of Planning, Building and Code Enforcement, 801 North First Street, San Jose, Room 400 and include a \$100 filing fee. The written protest should make a "fair argument" based on substantial evidence that the project will have one or more significant effects on the environment. If a valid written protest is filed with the Director of Planning, Building & Code Enforcement within the noticed public review period, the Director may (1) adopt the Mitigated Negative Declaration and set a noticed public hearing on the protest before the Planning Commission, (2) require the Draft MND to be revised and undergo additional noticed public review, and refund the filing fee to the protestant, or (3) require the project applicant to prepare an environmental impact report and refund the filing fee to the protestant.

Stephen M. Haase, AICP
Director, Planning, Building and Code Enforcement

Circulated on: October 6, 2004

Deputy

Adopted on: _____

Deputy